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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,576	08/21/2003	Ritu Verma	J6852(C)	8223
201	7590	07/17/2006	EXAMINER	
UNILEVER INTELLECTUAL PROPERTY GROUP 700 SYLVAN AVENUE, BLDG C2 SOUTH ENGLEWOOD CLIFFS, NJ 07632-3100			ARNOLD, ERNST V	
			ART UNIT	PAPER NUMBER
			1616	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/645,576

Examiner

Ernst V. Arnold

Applicant(s)

VERMA ET AL.

Art Unit

1616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 12 May 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Claims 1 and 4-9 remain rejected for the reason of record. Applicant's arguments have been addressed in prior office action. Applicant further argued that "zinc oxide is not added to a fatty acid comprising component first but to aqueous components. When a second component comprising stearic acid is added, no controlled contact (if any contact at all) will be made between the zinc oxide and the fatty acid." Applicant has not provided a showing that this is true. It remains the Examiner's position that the process disclosed in prior art appears to produce the same product as instantly claimed and the burden is then shifted to applicant to demonstrate unexpected results to overcome the art rejection(s).


JOHANN RICHTER
SUPERVISORY PATENT EXAMINER
GROUP 12